

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 29
IDAHO STATE POLICE

67-2901. IDAHO STATE POLICE CREATED -- DIRECTOR -- DIVISIONS -- POWERS AND DUTIES -- FAILURE OF PEACE OFFICERS TO OBEY ORDERS, MISDEMEANOR -- DEPUTIES -- COMPENSATION AND POWERS. (1) There is hereby created the Idaho state police. The Idaho state police shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government.

(2) The governor, with the advice and consent of the senate, shall appoint a director of the Idaho state police who shall serve at the pleasure of the governor. The director shall receive such salary as fixed by the governor.

(3) The Idaho state police shall be composed of such divisions as may be established by law and other administrative units as may be established by the director for the proper and efficient administration of the powers and duties assigned to the director or the state police. The director shall appoint, subject to the approval of the governor, an administrator for each division within the state police.

(4) The director shall exercise all of the powers and duties necessary to carry out the proper administration of the state police, and may delegate duties to employees and officers of the state police.

(5) The Idaho state police shall have power to:

(a) Enforce all of the penal and regulatory laws of the state, to preserve order, and exercise any and all powers, duties and authority of any sheriff or other peace officer anywhere in the state of Idaho, in the same manner and with like authority as the sheriffs of the counties; said department may employ from time to time, to carry out any of the provisions of this subsection, such deputies or special deputies as may be deemed, by the governor of the state of Idaho, necessary to carry out these duties and powers, and deputies shall have power to deputize other persons as deputies when necessary; said department may call into the police service of the state any and all peace officers of the state, of any city, or of any county, and may deputize private citizens, when deemed necessary by the governor of the state, to preserve order and enforce law in any extraordinary emergency when the governor shall have declared, by order in writing, the existence of such extraordinary emergency; the governor shall designate by order such peace officers or private persons as are to be called into the service of the state, and when such peace officers or deputized citizens are so called into the police service of the state such officers shall act under the direction of the director of the state police in such manner as may be directed and ordered by the governor; failure on the part of any such peace officer of the state, or person so deputized, to so act and obey such orders shall constitute a misdemeanor; the governor shall fix the compensation of such deputies;

(b) Prevent and detect crime and apprehend criminals and maintain order;

(c) Require all persons using the highways in the state to do so carefully, safely, and with the exercise of care for the persons, property and safety of others;

(d) Safeguard and protect the surface and other physical portions of the state highways and enforce any laws for highway safety;

(e) Enforce federal statutes and regulations relating to motor carrier safety and hazardous materials for interstate carriers;

(f) Enforce Idaho statutes and rules of the Idaho state police applicable to motor carriers;

(g) Enforce all of the laws of the state enacted for the identification, inspection and transportation of livestock and all laws of the state designed to prevent the theft of livestock;

(h) Regulate traffic on all highways and roads in the state, including the authority to temporarily close or restrict the use of any highway or road whenever the closure or restriction of the use is deemed necessary for the safety of the public;

(i) Perform all of the duties and exercise all of the powers of peace officers vested in the director of the Idaho state police;

(j) Execute and serve any warrant of arrest or search warrant issued by proper authority of the state, according to the tenor thereof, in any part of the state;

(k) Arrest without warrant, any person committing or attempting to commit in their presence or view a breach of the peace or any other violation of any of the laws of the state;

(l) Members of the Idaho state police shall be subject to the call of the governor and are empowered to cooperate with any other department or authority of the state, with counties and municipalities, or any locality in detecting crime, apprehending criminals and preserving law and order throughout the state; but the Idaho state police shall not be used as a posse in any municipality, except when ordered by the governor to do so; provided nothing herein contained shall be construed to vest direction or control over any sheriff, policeman, marshal or constable in the Idaho state police or any employer or officer thereof;

(m) Each member of the Idaho state police shall take and subscribe to an oath of office to support the constitution and laws of the United States and the state of Idaho, and to honestly and faithfully perform the duties imposed upon him under the provisions of the laws of Idaho as a member of the Idaho state police. The oath shall be filed with the director; and

(n) Enter into contractual agreements to reimburse the Idaho state police for services provided to private entities if it is deemed necessary to enforce the law or ensure public safety when those services or resources are beyond the usual and customary services provided by the Idaho state police.

(6) The director shall operate and supervise a forensic laboratory which will provide to state and local agencies having responsibility for enforcement of the penal laws of this state assistance in the collection, preservation and analysis of evidence in criminal cases. Idaho state police forensic services resources including, but not limited to, equipment, instrumentation, facilities and supplies may be used only by authorized employees or approved subcontractors of Idaho state police forensic services.

(7) The director shall provide security and protection for the governor and the governor's immediate family to the extent and in the manner the governor and the director deem adequate and appropriate.

(8) At the written direction of the governor or the director, the director shall provide security and protection for the lieutenant governor and the lieutenant governor's immediate family to the extent and in the manner the lieutenant governor and the director deem adequate and appropriate.

(9) The director shall provide security and protection for both houses of the legislature while in session as in the opinion of the speaker of the house of representatives and the president pro tempore of the senate and the director deem necessary.

(10) The director shall provide security and protection for the supreme court and the court of appeals while they are in session, and at their places of work, as the chief justice and the director deem necessary.

(11) The director may award to an officer, upon retirement, that officer's badge, duty weapon and handcuffs, providing that a committee of three (3) of the officer's peers certifies to the director that the retiring officer has served meritoriously for a minimum of fifteen (15) years and should therefore be so honored.

(12) The director, within the limits of any appropriation made available for such purposes, shall for such Idaho state police:

(a) Establish such ranks, grades and positions as shall appear advisable and designate the authority and responsibility in each such rank, grade and position;

(b) Appoint such personnel to such rank, grade and position as are deemed by him to be necessary for the efficient operation and administration of the Idaho state police, and only those applicants shall be appointed or promoted who best meet the prescribed standards and prerequisites; provided however, that all employees shall be selected in the manner provided for in [chapter 53, title 67](#), Idaho Code, and shall be probationers and on probation for a period of one (1) year from the date of appointment;

(c) Formulate and place in effect such rules for the Idaho state police as from time to time appear to him advisable;

(d) Prescribe by official order the uniform and equipment of the employees in the Idaho state police;

(e) Station employees in such localities as he shall deem advisable for the enforcement of the laws of the state;

(f) Have purchased, or otherwise acquired, by the purchasing agent of the state, motor vehicle equipment and all other equipment and commodities deemed by him essential for the efficient performance of the duties of the Idaho state police and purchase and install approved mechanical devices and equipment for the rapid transmission and broadcasting of information relative to crime, apprehension of criminals and the administration of the business of the Idaho state police.

(13) (a) The director shall issue to every eligible police officer member of the Idaho state police, as defined in section [59-1303](#)(3), Idaho Code, and pursuant to the contract provided for by the personnel group insurance administrator in the department of administration, a term group life insurance certificate in the face amount of fifty thousand dollars (\$50,000) on the life of such members. Said insurance certificate shall set forth the name or names of such beneficiary or beneficiaries as the insured may name or designate.

(b) Any eligible person entering the employ of the Idaho state police as an active police officer after the effective date of this act shall be insured as other members of the state police immediately upon taking the oath of office.

(c) Every member of the Idaho state police, upon termination of active duty or permanent release, may surrender said certificate to the head of the state police, or, at the person's option, may convert the insurance in accordance with the provisions of the contract, and no further premiums shall be paid on said policy by the state of Idaho.

(d) The director is hereby directed to hereafter include in the budget of the Idaho state police an amount sufficient to pay the annual costs accruing with respect to policies of insurance purchased under the provisions of this chapter.

(e) The premiums on the insurance herein provided for are to be paid one-half (1/2) by the employee and one-half (1/2) by the state. The director is hereby authorized to make a monthly deduction on the payroll of the amount due from each employee under this chapter.

(14) Nothing in this section shall affect the duties of the sheriff as described in section [31-2202](#), Idaho Code, or the primary duty, described in section [31-2227](#), Idaho Code, of the sheriff and prosecuting attorney of each of the several counties to enforce all the penal provisions of any and all statutes of this state.

[(67-2901) 1919, ch. 8, sec. 31, p. 43; C.S., sec. 332; am. 1923, ch. 152, sec. 1, p. 221; I.C.A., sec. 65-2801; am. 1963, ch. 91, sec. 1, p. 288; am. 1970, ch. 217, sec. 1, p. 616; am. 1971, ch. 173, sec. 19, p. 812; am. 1974, ch. 27, sec. 2, p. 811; am. 1982, ch. 30, sec. 1, p. 59; am. 1982, ch. 95, sec. 139, p. 274; am. 1986, ch. 215, sec. 1, p. 549; am. 1988, ch. 47, sec. 1, p. 55; am. 1995, ch. 116, sec. 1, p. 387; am. 2000, ch. 469, sec. 4, p. 1457; am. 2008, ch. 85, sec. 2, p. 223; am. 2012, ch. 272, sec. 1, p. 767; am. 2013, ch. 175, sec. 1, p. 404; am. 2015, ch. 67, sec. 1, p. 179; am. 2015, ch. 232, sec. 1, p. 728.]

67-2901A. AUTHORITY TO CONDUCT SAFETY INSPECTIONS AND COMPLIANCE REVIEWS OF MOTOR CARRIERS -- ADOPTION OF RULES -- PENALTY. (1) The director of the Idaho state police shall have responsibility for ensuring that safety inspections and compliance reviews are conducted and that motor carriers are inspected for compliance with federal motor carrier safety and hazardous materials regulations and for compliance with applicable Idaho laws and such rules as are adopted pursuant to this section.

(2) The director shall have the authority and is directed to promulgate rules to provide for the safe operation of motor carriers and for the inspection of records, books, papers and documents relating to safety management systems or programs and compliance with the federal safety fitness standard. The director is further authorized to adopt temporary rules as necessary.

(3) Any person who violates or fails to comply with any rule promulgated by the director under the provisions of this section is guilty of a misdemeanor.

[67-2901A, added 1999, ch. 383, sec. 19, p. 1069; am. 2000, ch. 469, sec. 5, p. 1460.]

67-2901B. INSPECTION OF MOTOR CARRIERS -- EXEMPTIONS -- CERTIFICATION OF REPAIR -- COMPLIANCE REVIEW -- PENALTIES. (1) All motor carriers, except

those exempted under the provisions of subsection (2) of this section, are subject to compliance review and inspection by authorized state police employees for compliance with federal motor carrier safety and hazardous materials regulations and for compliance with applicable Idaho laws and rules promulgated by the director pursuant to the provisions of section [67-2901A](#), Idaho Code. A motor carrier shall submit any vehicle to a safety inspection when requested to do so by an authorized state police employee. Such inspections shall comply, to the extent possible, with national and industry standards for truck inspections and truck safety as adopted by the commercial vehicle safety alliance. A written inspection report shall be provided to the owner, operator or agent of the vehicle following any inspection review pursuant to this section.

(2) The following intrastate motor carriers shall be exempt from safety inspections and compliance reviews:

(a) Motor vehicles employed solely in transporting school children and teachers to or from school or to and from approved school activities, when the motor vehicles are either:

(i) Wholly owned and operated by such school; or

(ii) Leased or contracted by such school and the motor vehicle is not used in the furtherance of any other commercial enterprise; or

(b) Taxicabs or other motor vehicles performing a licensed or franchised taxicab service, having a seating capacity of not more than seven (7) passengers within twenty-five (25) miles of the boundaries of the licensing or franchising jurisdiction; or

(c) Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroads or airports or other common carrier stations; or

(d) Motor vehicles controlled and operated by any farmer when used in the transportation of his farm equipment or in the transportation of supplies to his farm; or

(e) Motor vehicles used exclusively in the distribution of newspapers; or

(f) Transportation of persons or property by motor vehicle at an airport when incidental to transportation by aircraft or other transportation in substitution for scheduled airline service when the carrier cannot provide the scheduled service because of weather and/or mechanical conditions and the transportation is arranged for and paid by the affected airlines; or

(g) Transportation of persons and/or property, including mobile and modular houses manufactured with wheels and undercarriage as part of the substructure, but not transportation of other houses, buildings or structures within a municipality or territory contiguous to such municipality if such operation outside such municipality be a part of a service maintained within the limits of the municipality with the privilege of transfer of passengers to vehicles within the municipality without additional fare; or

(h) The transportation of agricultural products, including fresh fruits and vegetables, livestock, livestock feed or manure at any time of the year; or

(i) Motor-propelled vehicles for the sole purpose of carrying United States mail or property belonging to the United States; or

(j) Motor carriers transporting products of the forest at any time of the year; provided however, that logging trucks are subject to the Idaho

division of building safety's administrative rules relating to Idaho minimum safety standards and practices for logging trucks during transportation on Idaho's public highways, which rules shall be enforced on Idaho's public highways by the director of the Idaho state police and the Idaho transportation board; or

(k) Motor carriers transporting products of the mine, including sand, gravel and aggregates thereof, except petroleum products and wet concrete; or

(l) Motor carriers transporting household goods as defined by the federal surface transportation board; or

(m) Vehicles properly equipped, designed and customarily used for the transportation of disabled or abandoned vehicles by means of a crane, hoist, tow bar, dolly or roll bed, which vehicle shall be known as a "wrecker (tow truck)."

(3) A motor carrier which has received a written inspection report prepared pursuant to subsection (1) of this section indicating that his vehicle does not comply with applicable federal laws or regulations or Idaho laws or rules shall certify in writing to the director or his designee within fifteen (15) days of his receipt of the inspection report that he has brought his vehicle into compliance with said laws, regulations or rules. The director or his designee may assess an administrative penalty to any person who does not comply with the certification provisions of this section or who makes a false certification. The penalty shall not exceed one hundred dollars (\$100) for failure to comply with an inspection report or for making a false certification. If an assessment is contested, the director shall comply with the provisions governing contested cases under the administrative procedure act, [chapter 52, title 67](#), Idaho Code.

(4) Any motor carrier subject to rules promulgated under the provisions of section [67-2901A](#), Idaho Code, shall submit to a compliance review upon request of the director or any officer designated by him, by providing for inspection or copying at any reasonable time, the records, books, papers and documents relating to the safety management systems or program of such motor carrier.

(5) Any penalties collected pursuant to subsection (3) of this section shall be deposited to the state highway account.

[67-2901B, added 1999, ch. 383, sec. 20, p. 1070; am. 2000, ch. 469, sec. 6, p. 1461; am. 2006, ch. 138, sec. 1, p. 393; am. 2008, ch. 155, sec. 1, p. 445; am. 2019, ch. 64, sec. 2, p. 155.]

67-2902. DIRECTOR AND DEPUTIES -- POWERS OF POLICE OFFICERS. The director of the Idaho state police and persons deputized by him as state policemen are peace officers authorized to exercise within any county the same powers as the sheriff thereof.

[67-2902, added 1974, ch. 27, sec. 3, p. 811; am. 2000, ch. 469, sec. 7, p. 1463.]

67-2904. ADMINISTRATOR -- APPOINTMENT, TERM, SALARY. The director of the Idaho state police shall appoint an administrator of the Idaho state police who shall act as a deputy director and serve at the pleasure of the director. The salary of the deputy director shall be fixed for each term by the director within the limits of any appropriation made therefor.

[67-2904, added 1995, ch. 116, sec. 3, p. 390; am. 2000, ch. 469, sec. 9, p. 1463.]

67-2905. JURISDICTION. The jurisdiction of the director of the Idaho state police and his deputies, both regular and special, and all peace officers or other persons called into the police service of the state by him or his deputies shall be coextensive with the territory of the state of Idaho and not limited by the lines of any political or municipal subdivisions.

[(67-2905) 1939, ch. 60, sec. 4, p. 105; am. 1955, ch. 173, sec. 4, p. 345; am. 1974, ch. 27, sec. 6, p. 811; am. and redesign. 1995, ch. 116, sec. 5, p. 390; am. 1999, ch. 383, sec. 21, p. 1071; am. 2000, ch. 469, sec. 10, p. 1463.]

67-2906. COOPERATION AND EXCHANGE OF INFORMATION. The Idaho state police shall cooperate and exchange information with any other department or authority of the state or with other police forces, both within this state and outside it, and with federal agencies to achieve greater success in preventing and detecting crimes and apprehending criminals.

[(67-2906) 1939, ch. 60, sec. 7, p. 105; am. 1955, ch. 173, sec. 6, p. 345; am. and redesign. 1995, ch. 116, sec. 7, p. 391.]

67-2907. JAILORS TO RECEIVE PRISONERS FROM IDAHO STATE POLICE. Any person having charge of a jail, prison or reformatory or other place of detention shall receive any prisoner arrested by the Idaho state police within the jurisdiction served by such jail and shall detain that prisoner in custody until otherwise ordered by a court of competent jurisdiction, or by the superintendent. Such person in charge shall have the right to refuse to receive any juvenile not being charged with a felony and not in the process of being certified as an adult, in accordance with section [20-509](#), Idaho Code.

[(67-2907) 1939, ch. 60, sec. 9, p. 105; am. 1955, ch. 173, sec. 8, p. 345; am. 1987, ch. 216, sec. 1, p. 465; am. and redesign. 1995, ch. 116, sec. 8, p. 391; am. 2004, ch. 23, sec. 13, p. 32.]

67-2908. SALARIES AND EXPENSES -- SOURCE OF PAYMENT. All salaries, costs of equipment, and expenses of maintaining and operating the Idaho state police shall be paid from the law enforcement fund and such other funds as are or may hereafter be appropriated for the purpose of operating and maintaining the Idaho state police.

[(67-2908) 1939, ch. 60, sec. 11, p. 105; am. 1955, ch. 173, sec. 9, p. 345; am. 1983, ch. 179, sec. 6, p. 489; am. and redesign. 1995, ch. 116, sec. 10, p. 391; am. 2000, ch. 469, sec. 11, p. 1464.]

67-2912. STATE VICTIM NOTIFICATION FUND. (1) There is hereby established in the state treasury the state victim notification fund. Moneys in the fund shall be perpetually appropriated to, and shall be used by the director of, the Idaho state police. Moneys deposited to the fund shall be expended for the purpose of defraying the costs of administering the statewide automated victim information and notification (SAVIN) system by the Idaho sheriffs' association for the purpose of satisfying the provisions of section 22, article I, of the constitution of the state of Idaho requiring

victim notification of offender court and incarceration status. Moneys deposited to the fund shall be paid to the Idaho sheriffs' association on a quarterly basis for the reimbursement of all costs associated with administering the SAVIN system. The director of the Idaho state police is authorized to allocate up to five percent (5%) of the moneys in the fund for reimbursement of all administrative expenses in relation to its administration of the fund. At the end of each state fiscal year, all moneys remaining in the fund after all costs for the administration of the SAVIN system have been paid, less one quarter's operating and administrative moneys, shall be remitted to the crime victims compensation account established in section [72-1009](#), Idaho Code. The state treasurer shall invest all moneys in the state victim notification fund and interest and proceeds earned shall be retained in the fund. The Idaho sheriffs' association shall provide evidence of an independent audit of the moneys received and expenditures made under this section to the Idaho state police on a yearly basis and shall be subject to audit by the Idaho state controller at the discretion of the state controller.

(2) The state victim notification fund shall be funded as provided in section [31-3204](#), Idaho Code.

[67-2912, added 2012, ch. 114, sec. 2, p. 317.]

67-2913. SEARCH AND RESCUE FUND. There is hereby created in the state treasury the search and rescue fund.

(1) Moneys in the fund shall be maintained in four (4) subaccounts, identified respectively as the "cost reimbursement subaccount," the "training subaccount," the "catastrophic search subaccount" and the "equipment purchase matching subaccount." Moneys in the cost reimbursement subaccount are perpetually appropriated to and shall be used by the director of the Idaho state police for the purpose of defraying costs of search and rescue missions conducted by the county sheriff's office at a maximum of four thousand dollars (\$4,000) per rescue mission, regardless of the number of counties or county search and rescue organizations involved. One hundred percent (100%) of the moneys received pursuant to sections [49-448](#) and [63-2412](#), Idaho Code, shall be deposited to the credit of the cost reimbursement subaccount. Of the additional fine imposed pursuant to section [36-1405](#), Idaho Code, fifty percent (50%) shall be deposited to the credit of the cost reimbursement subaccount. In the event the balance in the cost reimbursement subaccount exceeds twenty-five thousand dollars (\$25,000), the amount in excess shall be transferred to the equipment purchase matching subaccount.

(2) Fifty percent (50%) of the moneys received pursuant to the provisions of section [36-1405](#), Idaho Code, and any amount in excess of twenty-five thousand dollars (\$25,000) in the cost reimbursement subaccount, shall be deposited in the search and rescue account to the credit of the equipment purchase matching subaccount, and are perpetually appropriated to the director of the Idaho state police for the purposes of the subaccount. Moneys in the equipment purchase matching subaccount shall be used by the director to match local funds for the purchase of equipment for use by local search and rescue units, at a maximum amount of two thousand dollars (\$2,000) per unit in any single year. The cost sharing match in the equipment purchase matching subaccount shall be thirty-five percent (35%) local funds to sixty-five percent (65%) from the equipment purchase matching subaccount. In the event the balance in the equipment purchase matching subaccount exceeds fifteen

thousand dollars (\$15,000), the amount in excess shall be transferred to the training subaccount.

(3) Excess moneys described in subsection (2) of this section shall be deposited to the credit of the training subaccount. In the event the balance of the training subaccount exceeds twenty thousand dollars (\$20,000), the amount in excess shall be transferred to the catastrophic search subaccount. Such moneys shall be perpetually appropriated to the director of the department of law enforcement [Idaho state police] for the purposes of the subaccounts. Moneys in the training subaccount shall be used by the director for the purpose of providing training funds to sheriffs' offices for search and rescue training, to a maximum of two thousand dollars (\$2,000) per training exercise, regardless of the number of counties or county search and rescue organizations involved.

(4) Moneys in the catastrophic search subaccount shall be used by the director for the purpose of providing reimbursement to the sheriff's office for searches and rescues costing in excess of four thousand dollars (\$4,000). Claims for reimbursement by sheriffs' offices shall be made on a quarterly basis and reimbursements shall be made by the director once each quarter. Reimbursement of each claim shall be made by the director as follows: (a) the first four thousand dollars (\$4,000) of a claim shall be reimbursed from the cost reimbursement subaccount; (b) the remainder of each claim exceeding four thousand dollars (\$4,000) shall be reimbursed from the catastrophic search subaccount. In the event that there are insufficient moneys in the catastrophic search subaccount to fully reimburse all catastrophic search claims in a given quarter, the director shall partially reimburse each claim on a pro rata basis. A sheriff's office may seek further reimbursement for any unreimbursed portion of a claim in the following quarters.

(5) The state treasurer shall invest all moneys in the search and rescue fund and the interest and proceeds earned on such investments shall be returned to the search and rescue fund.

[(67-2913) I.C. sec. 67-2903, as added by 1985, ch. 176, sec. 1, p. 458; am. 1990, ch. 380, sec. 2, p. 1054; am. and redesig. 1995, ch. 116, sec. 15, p. 395; am. 1996, ch. 57, sec. 2, p. 168; am. 2000, ch. 186, sec. 1, p. 457; am. 2000, ch. 469, sec. 12, p. 1464.]

67-2913A. SNOWMOBILE SEARCH AND RESCUE FUND -- ADVISORY COMMITTEE. (1) There is hereby created in the state treasury the snowmobile search and rescue fund. Moneys in the snowmobile search and rescue fund shall be perpetually appropriated to and shall be used by the director of the Idaho state police for the purpose of defraying costs of search and rescue operations which are conducted by a county sheriff's office to assist or recover individuals riding snowmobiles, and for no other purpose. One hundred percent (100%) of the moneys distributed to the fund pursuant to section [67-7106](#), Idaho Code, shall be deposited to the credit of the state snowmobile search and rescue fund. The fund shall be administered in the same manner as the state search and rescue fund created in section [67-2913](#), Idaho Code. The director of the Idaho state police is authorized to allocate up to ten percent (10%) of the moneys for reimbursement of administrative expenses.

(2) In the event the balance in the state snowmobile search and rescue fund exceeds thirty thousand dollars (\$30,000) on July 1 of any year, moneys in excess of thirty thousand dollars (\$30,000) shall be divided into two (2) equal parts and distributed to the:

(a) Training subaccount of the search and rescue fund created in section [67-2913](#), Idaho Code; and

(b) State snowmobile fund created in section [67-7106](#), Idaho Code, to be used exclusively by the director of the Idaho department of parks and recreation for snowmobile trail groomer replacement.

(3) The state treasurer shall invest all moneys in the state snowmobile search and rescue fund and the interest and proceeds earned on such investments shall be returned to the state snowmobile search and rescue fund.

(4) In the event that all moneys in the state snowmobile search and rescue fund are exhausted or no longer available, nothing in this chapter shall be construed to absolve any entity which would otherwise provide applicable services, from conducting search and rescue operations to assist or recover individuals riding snowmobiles. Nothing in this chapter shall be construed to limit recovery of moneys solely to the state snowmobile search and rescue fund for search and rescue operations assisting or recovering individuals riding snowmobiles.

(5) A three (3) member advisory committee shall review the operation and disbursement of moneys from the fund at the end of each fiscal year, and shall report to the fund administrator any proposed guidelines or policies deemed appropriate to improve operation of the fund. The committee shall be comprised of one (1) representative from the Idaho state snowmobile association, one (1) representative from the Idaho sheriffs' association, and one (1) representative appointed by the director of the Idaho department of parks and recreation. The respective organizations shall be responsible for reimbursing their member representative for any expenses incurred for service on the committee.

[67-2913A, added 2005, ch. 141, sec. 1, p. 434.]

67-2914. IDAHO LAW ENFORCEMENT FUND ESTABLISHED. For the purposes of the Idaho state police, there is established in the state treasury of the state of Idaho the Idaho law enforcement fund, to which shall be deposited funds as provided by law.

[(67-2914) I.C. 49-1301, as added by 1983, ch. 179, sec. 5, p. 487; am. 1984, ch. 195, sec. 28, p. 445; am. 1985, ch. 253, sec. 6, p. 497; am. & redesig. 1988, ch. 265, sec. 582, p. 878; am. and redesig. 1995, ch. 116, sec. 16, p. 396; am. 2000, ch. 469, sec. 13, p. 1465; am. 2009, ch. 333, sec. 5, p. 970; am. 2011, ch. 68, sec. 4, p. 143.]

67-2915. STATISTICAL REPORT OF MALICIOUS HARASSMENT CRIMES. The director of the Idaho state police shall annually submit to the governor and the chairman of the judiciary and rules committee in the senate and the chairman of the judiciary, rules and administration committee in the house of representatives a report on malicious harassment crimes, as that crime is defined in section [18-7902](#), Idaho Code. Report content shall be limited to statistical data and shall be presented in conformance with the provisions of section [74-124](#), Idaho Code.

All city, county and state law enforcement units shall be required to report to the director all incidences of, complaints on, and arrests for malicious harassment crimes within their respective jurisdictions. The director shall develop a standard procedure and shall prescribe and provide a standard form for complete and uniform reporting.

[(67-2915) 1989, ch. 243, sec. 1, p. 592; am. and redesign. 1995, ch. 116, sec. 17, p. 396; am. 2000, ch. 469, sec. 14, p. 1465; am. 2015, ch. 141, sec. 170, p. 514.]

67-2916. REPORTS OF MURDERS. (1) As used in this section:

(a) "Director" means the director of the Idaho state police.

(b) "Murder" has the meaning provided in section [18-4003](#), Idaho Code.

(2) Any law enforcement agency within the state of Idaho having primary responsibility for the investigation of the case shall provide information relating to any suspected murder to the director within twenty-five (25) days after its discovery. The law enforcement agency shall submit the information on a form which shall be developed and provided by the director. The form shall contain only information necessary to aid law enforcement personnel in comparing murders and suspected murders and discovering those exhibiting similar characteristics. The director shall enter information submitted by an investigating agency into a file maintained and controlled by the director and shall compare such information to information on other murders or suspected murders, for the purpose of discovering similarities in criminal methods and suspect descriptions. The director shall advise the concerned investigating agencies if the director finds murders exhibiting similar criminal methods or suspect descriptions.

(3) When an investigating law enforcement agency terminates active investigation of a suspected murder due to an arrest having been made in the case, death of the primary suspect, or whatever other reason, the investigating agency shall so notify the director within thirty (30) days following such termination. Notification shall include the reason for terminating active investigation.

(4) All suspected murders coming under the jurisdiction of any law enforcement agency in the state of Idaho occurring less than one (1) year before the effective date of this section shall be reported to the director as provided in this section within sixty-five (65) days after the effective date of this section or thirty (30) days after the director provides forms for such purpose, whichever is later.

[(67-2916) 1990, ch. 66, sec. 1, p. 145; am. and redesign. 1995, ch. 116, sec. 18, p. 396; am. 2000, ch. 469, sec. 15, p. 1465.]

67-2917. HAZARDOUS WASTE. Wherever hazardous waste, as defined in section [39-4403](#), Idaho Code, is being transported within the state, within the state to without the state, or from without the state to within the state, the operator or owner of the motor vehicle or trailer, as defined in [chapter 1, title 49](#), Idaho Code, transporting hazardous waste is hereby required to stop at such ports of entry or checking stations and submit to inspection or weighing for compliance with the laws of the state of Idaho. Additionally, such owner or operator of the motor vehicle or trailer transporting hazardous waste is hereby required and directed to allow employees of the department of environmental quality, authorized Idaho transportation department employees or the state police or any peace officer on duty to inspect and review all manifests and bills of lading to ensure that such hazardous waste is being shipped in a manner which will not endanger the health, welfare or safety of the citizens of the state of Idaho and is being shipped in compliance with the laws of the state of Idaho and any rules promulgated pursuant thereto.

[(67-2917) 1984, ch. 205, sec. 11, p. 510; am. 1988, ch. 265, sec. 584, p. 879; am. and redesisg. 1995, ch. 116, sec. 19, p. 397; am. 1999, ch. 383, sec. 22, p. 1072; am. 2001, ch. 103, sec. 100, p. 340.]

67-2918. PENALTIES. (1) Any person failing to stop at any port of entry or checking station when so required by section [67-2917](#), Idaho Code, or who refuses to submit to the inspection or weighing as provided in that section or who refuses to allow inspection or review of any manifest or bill of lading, shall be guilty of a misdemeanor and shall be subject to a fine of not more than ten thousand dollars (\$10,000), imprisonment for a period of not more than six (6) months or by both such fine and imprisonment. This penalty shall be in addition to any other civil or criminal penalties which may be provided by law.

(2) If a person violates the provisions of subsection (1) of this section and it is determined that the violation of subsection (1) of this section was caused in whole or by the knowing, willful or negligent act or omission of a generator of hazardous waste incorrectly filling out a manifest or bill of lading, by an act or omission of a person who caused the hazardous waste to be transported on the highways or roads of this state, the generator of the hazardous waste or the person causing the hazardous waste to be transported shall be guilty of a misdemeanor and shall be subject to a fine of not more than ten thousand dollars (\$10,000), imprisonment for a period of not more than six (6) months or by both such fine and imprisonment. This penalty shall be in addition to any other civil or criminal penalties which may be provided by law.

[(67-2918) 1984, ch. 205, sec. 12, p. 511; am. and redesisg. 1995, ch. 116, sec. 20, p. 398.]

67-2919. TESTING AND RETENTION OF SEXUAL ASSAULT EVIDENCE KITS. (1) Except as provided in subsection (8) of this section, evidence obtained in a sexual assault evidence kit shall be tested by the Idaho state police forensic services laboratory according to sampling protocols and procedures established by the laboratory.

(2) (a) An entity that performs a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall do so without regard to the ability or inability of a victim of a reported sexual assault to pay for such an examination.

(b) An entity qualified and reasonably able to perform a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall not deny a medical examination to a victim of a reported sexual assault.

(3) An entity that has performed a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall notify the local law enforcement agency of the jurisdiction where the reported sexual assault occurred that sexual assault evidence has been collected and is ready for law enforcement to take custody of such evidence according to its established protocol. The medical entity collecting the kit shall document in the state kit tracking system any required fields.

(4) A local law enforcement agency that receives notice from an entity that has performed a medical examination of a victim of a reported sexual assault as described in subsection (3) of this section shall facilitate the collection of the sexual assault evidence kit and any other collected evidence from the entity that has performed a medical examination of a victim of

a reported sexual assault. After obtaining the sexual assault evidence kit and any other collected evidence from the entity that has performed a medical examination of a victim of a reported sexual assault, the local law enforcement agency shall submit such kit, in adherence to the submission policies of the Idaho state police forensic services laboratory, to the Idaho state police forensic services laboratory for testing as soon as reasonably practical, but not later than thirty (30) days after obtaining the kit. If kit submission to the Idaho state police forensic services laboratory is not done within the thirty (30) day time limit or testing is not done by the Idaho state police forensic services laboratory within the ninety (90) day additional time limit established in this subsection, it shall not affect the ability to prosecute or defeat the jurisdiction of the court. Any law enforcement agency with sexual assault evidence kits or other sexual assault case evidence belonging to another jurisdiction must notify that jurisdiction within seven (7) days of obtaining the kits or evidence, and the receiving jurisdiction must pick up the sexual assault evidence kits or other sexual assault case evidence within seven (7) days. The law enforcement agency shall make a good faith effort to collect and submit the required reference samples associated with a submitted sexual assault evidence kit.

(5) For all sexual assault evidence kits received pursuant to subsection (4) of this section, the Idaho state police forensic services laboratory shall test such kits and submit eligible results to the Idaho DNA database within ninety (90) days. The laboratory shall report any kits not processed within ninety (90) days to the county prosecutor with jurisdiction in the case and to the Idaho legislature.

(6) Following analysis by the Idaho state police forensic services laboratory, sexual assault evidence kits shall be returned to and retained by the investigating agency in accordance with agency evidence standards and for the following durations:

(a) For death penalty cases, until the sentence in the case has been carried out and no unapprehended persons associated with the offense exist;

(b) For felony cases, including anonymous sexual assault kits collected under the violence against women act, fifty-five (55) years from the collection of the kit during the medical examination or until the sentence in the case is completed, whichever occurs first;

(c) For cases before July 1, 2019, where there is no evidence to support a crime being committed or when it is no longer being investigated as a crime or when an adult victim expressly indicates that no further forensic examination or testing occur, ten (10) years from collection of the kit during the medical examination; and

(d) For cases on and after July 1, 2019, where a crime is alleged and the allegation has been determined to be unfounded, ten (10) years from collection of the kit during the medical examination.

(7) Provided that an investigating agency has current contact information, the investigating agency shall, upon written request from a victim of sexual assault, a parent or guardian if the victim is a minor, or a relative if the victim is deceased, provide written notification of the destruction or disposal of a sexual assault evidence kit and any other sexual assault case evidence no later than sixty (60) days before the date of the destruction or disposal. A victim of sexual assault, a parent or guardian if the victim is a minor, or a relative if the victim is deceased, may petition a

court to preserve a sexual assault evidence kit and its contents for longer than the time prescribed in this subsection.

(8) All sexual assault evidence kits collected in this state where a crime is alleged and the allegation has not been determined to be unfounded shall be processed by the Idaho state police forensic services laboratory except for kits where the victim requests the kit be collected as an anonymous kit, such as under the provisions of the federal violence against women act. Any sexual assault evidence kit, with the exception of an anonymous sexual assault evidence kit, that is not examined and tested shall be independently reviewed by the county prosecutor. In the event such review concludes that the kit should have been tested, testing shall occur as provided in subsections (4) and (5) of this section.

(9) The Idaho state police shall promulgate rules to create a tracking process for sexual assault evidence kits in possession of the Idaho state police forensic services laboratory and every law enforcement agency throughout the state. Such rules shall provide for the information to be submitted to the Idaho state police by law enforcement agencies to assist in such tracking.

(10) Idaho state police forensic services shall approve and provide, at no cost to the victim, appropriate sexual assault evidence kits to requesting entities and law enforcement agencies. All such kits shall contain a form for victims to inform them of their right of notification pursuant to subsections (12) and (13) of this section and of their right to decline to have a kit collected pursuant to subsection (1) of this section.

(11) Within one hundred eighty (180) days of the effective date of this act, the Idaho state police forensic services laboratory shall provide a onetime report to the legislature of all untested sexual assault evidence kits in Idaho. To assist with this onetime report, all law enforcement agencies in Idaho shall perform a onetime audit of any untested sexual assault evidence kits in their possession and submit to the Idaho state police forensic services director the following:

- (a) The number of untested kits in the law enforcement agency's possession;
- (b) The date each kit was collected and the reason it was not submitted to Idaho state police forensic services for testing; and
- (c) The number of any anonymous or unreported kits in the law enforcement agency's possession.

Law enforcement agencies shall follow the same protocol to perform the audit of untested sexual assault evidence kits as they would with any new kit submitted to the agency. The audit performed by a law enforcement agency shall be reviewed by a law enforcement representative and the county prosecutor before the final report is provided to the legislature.

(12) A law enforcement agency that submits a sexual assault evidence kit pursuant to subsection (4) of this section shall, upon written request, notify a victim of sexual assault, a parent or guardian if the victim is a minor at the time of notification, or a relative if the victim is deceased, of the following:

- (a) When the sexual assault evidence kit is submitted to the Idaho state police forensic services laboratory;
- (b) When any evidence sample DNA profile is entered into the Idaho DNA database;

(c) When a DNA match occurs; provided however, that such notification shall state only that a match has occurred and shall not contain any genetic or other identifying information; and

(d) When there is any change in the status of the case or reopening of the case.

As used in this subsection, "notify" shall include updates to a website used by the Idaho state police forensic services laboratory for sexual assault evidence kits.

(13) On or before January 20, 2017, and by January 20 of each year thereafter, Idaho state police forensic services shall submit a report to the Idaho legislature regarding its examination of sexual assault evidence kits throughout the state in the previous year. The report shall include, but not be limited to, the number of kits purchased and distributed by Idaho state police forensic services, the number of kits collected by each law enforcement agency, the number of kits tested by the Idaho state police forensic services laboratory, the number of kits not submitted to the Idaho state police forensic services laboratory pursuant to subsection (8) of this section, the number of DNA database hits from sexual assault evidence kits, the number of unresolved DNA database hits from sexual assault evidence kits for each law enforcement agency, the number of sexual assault evidence kits submitted without required reference samples for each law enforcement agency, and a list of any law enforcement agencies that did not adhere to the tracking process promulgated pursuant to subsection (9) of this section, and for the report submitted in 2017, a list of any law enforcement agencies that did not participate in the audit required in subsection (11) of this section. This report shall be available on the website of the Idaho state police and readily available to the public. No victim or alleged perpetrator names shall be included in the report. Information shall be provided in aggregate and shall not include case-specific information.

(14) As used in this section:

(a) "Sexual assault evidence kit" means a set of materials, such as swabs and tools for collecting blood samples, used to gather forensic evidence from a victim of reported sexual assault and the evidence obtained with such materials.

(b) "Unfounded" means evidence exists that proves no crime occurred.

(c) "Written request" and "written notification" shall include electronic mail.

[67-2919, added 2016, ch. 175, sec. 2, p. 478; am. 2017, ch. 260, sec. 1, p. 639; am. 2019, ch. 177, sec. 2, p. 570.]

67-2920. BLUE ALERT SYSTEM. (1) There is hereby established a statewide alert system known as "Blue Alert" that shall be developed and implemented by the Idaho state police.

(2) As used in this section:

(a) "Law enforcement agency" means a law enforcement agency with jurisdiction over the search for a suspect in a case involving the death or serious injury of a peace officer or an agency employing a peace officer who is missing in the line of duty; and

(b) "Peace officer" means a person who is certified to exercise the powers of arrest.

(3) The blue alert system may be activated:

(a) When a suspect for a crime involving the death or serious injury of a peace officer has not been apprehended and law enforcement personnel

have determined that the suspect may be a serious threat to the public;
or

(b) When a peace officer becomes missing while in the line of duty under circumstances warranting concern for such peace officer's safety.

(4) Upon notification by a law enforcement agency that a suspect in a case involving the death or serious injury of a peace officer has not been apprehended and may be a serious threat to the public or to a peace officer or that a peace officer is missing in the line of duty under circumstances warranting concern for such peace officer's safety, the state police shall activate the blue alert system and notify appropriate participants in the blue alert system, as established by rule, if:

(a) A law enforcement agency believes that a suspect has not been apprehended;

(b) A law enforcement agency believes that the suspect may be a serious threat to the public; and

(c) Sufficient information is available to disseminate to the public that could assist in locating the suspect or the missing peace officer. The area of the alert may be less than statewide if the division determines that the nature of the event makes it probable that the suspect did not leave a certain geographic location.

(5) Before requesting activation of the blue alert system, a law enforcement agency shall verify that the criteria described in subsection (4) of this section has been satisfied. The law enforcement agency shall assess the appropriate boundaries of the alert based on the nature of the suspect and the circumstances surrounding the crime or the last known location of the missing peace officer.

(6) The state police shall terminate the blue alert with respect to a particular incident if:

(a) The suspect or peace officer is located or the incident is otherwise resolved; or

(b) The state police determine that the blue alert system is no longer an effective tool for locating the suspect or the peace officer. Law enforcement agencies shall notify the division immediately when the suspect is located and in custody or the peace officer is found.

(7) Any entity or individual involved in the dissemination of a blue alert generated pursuant to this section shall not be liable for any civil damages arising from such dissemination.

[67-2920, added 2019, ch. 142, sec. 1, p. 489.]